

BILL ANALYSIS

By: Craddick, et al

H.B. 1783
Senate Committee
on Natural Resources

BACKGROUND:

Chapter 11, Water Code, allows the Texas Water Commission (commission) to regulate "water availability." Traditionally, a person who first obtains water rights (a "senior water rights" holder) has priority over a subsequent water rights permit holder. The commission currently issues permits with stream flow restrictions to protect the priority of a senior water rights holder, although there is no specific statutory provision for such action.

PURPOSE:

As proposed, H.B. 1743 clarifies the statutory basis for certain restrictions and conditions in water rights permits.

RULEMAKING AUTHORITY:

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS:

SECTION 1. Amends Chapter 11, Water Code, by adding Section 11.1351, which allows the Texas Water Commission to direct that stream flow restrictions and other conditions be placed in a permit issued to protect the priority of a senior water rights holder.

SECTION 2. Effective date. September 1, 1987.

SECTION 3. Emergency clause.